

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

J & J SPORTS PRODUCTIONS, INC.,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION H-08-2012
	§	
ABC ENTERTAINMENT, L.L.C.,	§	
Individually and d/b/a Level Lounge,	§	
a/k/a Level Club, a/k/a X-IT Lounge; and	§	
GREG ALAN BERGER,	§	
Individually and d/b/a Level Lounge	§	
a/k/a Level Club, a/k/a X-IT Lounge	§	
<i>Defendants.</i>	§	

OPINION ON SUMMARY JUDGMENT

This is a lawsuit brought under the anti-piracy provisions of the Federal Communications Act. *See* 47 U.S.C. §§ 553, 605 (2006). Plaintiff J & J Sports Productions has moved for summary judgment. (Dkt. 16.) Defendants ABC Entertainment L.L.C. and Greg Alan Berger have not filed a response.

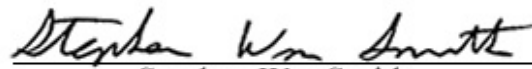
Having considered J & J Sports's motion, the court concludes the following:

1. J & J Sports had an exclusive right to exhibit the June 25, 2005 super lightweight championship fight between Arturo Gatti and Floyd Mayweather, including undercard bouts. *See id.*, Ex. A-1.
2. Defendants ABC Entertainment and Greg Berger exhibited an undercard bout from the June 25, 2005 broadcast without obtaining permission from J & J Sports. *See id.*, Ex. A-2.
3. Defendants' exhibition, which required them to obtain a descrambled signal of the broadcast, was willful and for purposes of direct or indirect commercial advantage or private financial gain. *See id.*, Ex. A.

4. Defendants have violated the anti-piracy provisions of the Federal Communications Act on at least two previous occasions. *See id.*, Exs. F, G.

The court therefore grants J & J Sports's motion for summary judgment. A separate final judgment will be issued.

Signed at Houston, Texas on July 7, 2009.

  
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Stephen Wm Smith  
United States Magistrate Judge